

**Committee:** Special Political and Decolonization Committee (GA4)

**Issue:** Addressing the effects of Brexit on Gibraltar

**Student Officer:** Panagiotis Vakirtzis

**Position:** Co-Chair

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### PERSONAL INTRODUCTION

Dear delegates,

My name is Panagiotis Vakirtzis and I am an IB2 student at the 12<sup>th</sup> grade at Psychiko College (HAEF). This will be my second time chairing and I am really excited for my journey as a student officer to continue with DSTMUN. The effect of Brexit in the UK is an issue that has been discussed a lot in the news lately. However, an issue of great importance and that is not discussed as often is the effects it would have on Gibraltar. In addition to my interest in Spanish foreign relations, this topic seemed a clear choice for me. I urge and recommend to you to conduct further research on the topic. The Gibraltar question is a complicated one, as delegates will have to consider many different factors to find practical solutions. If you have any questions on the topic do not hesitate to contact me via email at [panagiotisvak2003@gmail.com](mailto:panagiotisvak2003@gmail.com).

I am looking forward to seeing you in November!

Sincerely,

Panagiotis Vakirtzis

## TOPIC INTRODUCTION

Gibraltar is a limestone outcrop on the southern tip of the Iberian Peninsula with a population of approximately 34,000 (more specifically 33,692)<sup>1</sup>. It has been under British rule since 1713 (Treaty of Utrecht), and it is one of the numerous territories of the British Empire. It has been granted the special status of a British Overseas Territory (BOT), which means that it has its own government that of all affairs except foreign policy and defense, which are the United Kingdom's (UK) responsibilities.

Gibraltar is one of the most strategic positions in the Mediterranean, and the British are keen to consolidate their sovereignty on the peninsula. It is the entrance to the Mediterranean Sea and sits only 12 miles away from the North African coast. In recent years it has developed to become an extremely important British port and military base. Gibraltarian economy is mainly based on shipping, finance, online gambling and tourism with a Gross Domestic Product (GDP) of \$2.044 billion<sup>2</sup> (2014). Therefore, the service sector is crucial for the development of the Gibraltarian economy. It receives approximately 11 million tourists<sup>3</sup> on a yearly basis while it is considered one of the top 30 out of the 69 biggest financial centers of the world.<sup>4</sup> This has made Gibraltar, arguably, one of the biggest economic hubs in the region.



*Figure 1: Overview of “The Rock”*

<sup>1</sup> “Gibraltar Population (LIVE).” *Worldometer*, [www.worldometers.info/world-population/gibraltar-population/](http://www.worldometers.info/world-population/gibraltar-population/).

<sup>2</sup> “The World Factbook: Gibraltar.” *Central Intelligence Agency*, Central Intelligence Agency, [www.cia.gov/library/publications/the-world-factbook/geos/print\\_gi.html](http://www.cia.gov/library/publications/the-world-factbook/geos/print_gi.html).

<sup>3</sup> *Gibraltar Economy 2020*, CIA World Factbook, [theodora.com/wfbcurrent/gibraltar/gibraltar\\_economy.html](http://theodora.com/wfbcurrent/gibraltar/gibraltar_economy.html).

<sup>4</sup> An online survey was conducted on 1,236 business professional and was ranked 26<sup>th</sup> out of the 69 biggest global finance centers

However, the economic growth of Gibraltar would have never been possible if 10,000 – 15,000 workers did not pass on a daily basis from Spain and more specifically from the nearby town of La Linea de la Concepcion. Until the exit of the United Kingdom from the European Union (EU) the 1.8km border with Spain was an open border that allowed easy access into the territory. On 31<sup>st</sup> of January 2020, the UK officially departed from the EU. However, it still remains unclear what will happen to this border, which is the third land border between the UK and the EU<sup>5</sup>. If a so-called hard border exists, it would certainly damage the Gibraltarian economy in the short run.

For years, Spain has tried to increase its sovereignty on “The Rock” using multiple ways like increasing border checks and queues. It has always been a goal of the Spanish government to do so for the strategic benefits Gibraltar provides. With the UK’s exit, things will become more complicated between the two powers over this territorial dispute. Therefore, this controversy encapsulates many concerns that it could potentially haunt the UK – EU relations.

The future of the free-flowing Gibraltar – Spain border is another unresolved question to this day. Almost 40% of Gibraltar’s workforce is provided by Spain<sup>6</sup> by people who cross the border on a daily basis. A hard border would complicate the situation that could potentially have a serious impact on the economy of the peninsula. Tourism, which is a basic part of its economy, could also be negatively affected by the Brexit. More detailed checks on goods moving over the land border could hit hard the Gibraltarian economy.

## DEFINITION OF KEY TERMS

### British Overseas Territories (BOTs)

The BOTs are fourteen territories all with a constitutional link with the United Kingdom. They are, in essence, the remnants of the once glorious British Empire. Most of these territories are self-governing, with the UK retaining responsibility for defense and foreign relations.

### Brexit

Brexit is the withdrawal of the United Kingdom from the European Union.

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<sup>5</sup> The first being the border between Northern Ireland and the Republic of Ireland and the second being the border between the Republic of Cyprus and the British assets called Akrotiri and Dhekelia.

<sup>6</sup> *Gibraltar Economy 2020, CIA World Factbook,* [theodora.com/wfbcurrent/gibraltar/gibraltar\\_economy.html](http://theodora.com/wfbcurrent/gibraltar/gibraltar_economy.html).

## **Commonwealth of Nations**

The Commonwealth of Nations is a political association consisting of 54 member states, mainly the ex-colonial assets of the British Empire. Its purpose is to maintain the ties of the UK with its former colonies on a political, economic and cultural level.<sup>7</sup>

## **Corporate Tax**

Corporate tax is the economic burden that is imposed by the government to all firms operating in the state on the net income of the company<sup>8</sup>.

## **Gross Domestic Product (GDP)**

The total US dollar value of all final goods and services produced within a country's economy at a given time period (usually one year).

## **Joint Ministerial Council (JMC)**

The JMC is the principal forum for evaluating and implementing the collective strategy for promoting the security and good governance of the Territories and their economic and social development.<sup>9</sup>

## **Schengen Area**

The Schengen Area indicates a zone where 26 European countries, eliminated their internal borders, for the free and open movement of people and goods, in accordance with common rules for regulating external borders and fighting criminality by strengthening the common judicial system and police cooperation.<sup>10</sup>

## **Single Market**

A single market is a type of trade bloc in which most trade barriers for goods have been removed, to facilitate trade. Shared policies on product regulation,

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<sup>7</sup> Rosenberg, Matt. "Find Out the History of the Commonwealth of Nations." *ThoughtCo*, [www.thoughtco.com/commonwealth-of-nations-1435408](http://www.thoughtco.com/commonwealth-of-nations-1435408).

<sup>8</sup> "What Is Corporation Tax? Definition of Corporation Tax, Corporation Tax Meaning." *The Economic Times*, [economictimes.indiatimes.com/definition/corporation-tax](http://economictimes.indiatimes.com/definition/corporation-tax).

<sup>9</sup> "Overseas Territories Joint Ministerial Council (Archived)." *Overseas Territories Joint Ministerial Council - GOV.UK*, [www.gov.uk/government/topical-events/overseas-territories-joint-ministerial-council](http://www.gov.uk/government/topical-events/overseas-territories-joint-ministerial-council).

<sup>10</sup> "Schengen Area - Visa Information for Schengen Countries." *SchengenVisaInfo.com*, 13 Apr. 2020, [www.schengenvisainfo.com/schengen-visa-countries-list/](http://www.schengenvisainfo.com/schengen-visa-countries-list/).

freedom of movement of the factors of production (capital and labor) and of enterprise and services also exist.<sup>11</sup>

### Territorial Dispute

A territorial dispute is defined as a disagreement about which country controls a particular piece of land.<sup>12</sup>

### BACKGROUND INFORMATION

#### Geographical Background

As mentioned previously, the Rock of Gibraltar is located in a very strategic position. Its location in the Bay of Gibraltar makes it an advantageous port for ships, which means that it has the potential of developing to the major trading and economic hub of the Mediterranean and Europe as a whole. In addition to that, the steep slopes and the isthmus of the Rock of Gibraltar provided defensive advantages in case of an invasion. A writer once stated, “Whoever controls Gibraltar also controls the movement of ships into and out of the Mediterranean. In terms of military and naval power, few places have a more strategic location than Gibraltar”.<sup>13</sup> Therefore, its tactical position for trading and natural fortifications truly determined its history.



**Figure 2: Map of Gibraltar**

#### War of the Spanish Succession (1701 – 1714)

On 1701, the outbreak of the War of the Spanish Succession occurred because of the death of the childless King of Spain Charles II, a year earlier. His closest relatives were the Habsburgs in Austria and the Bourbon families in France. In Spain chaos was created on which of the two families will be the successor of the Spanish throne. The fighting occurred between Habsburg Spain, which was supported economically and

<sup>11</sup> Anonymous. “The European Single Market.” *Internal Market, Industry, Entrepreneurship and SMEs - European Commission*, 5 July 2017, [ec.europa.eu/growth/single-market\\_en](http://ec.europa.eu/growth/single-market_en).

<sup>12</sup> “Territorial Dispute.” Merriam-Webster, Merriam-Webster, [www.merriam-webster.com/dictionary/territorial%20dispute](http://www.merriam-webster.com/dictionary/territorial%20dispute).

<sup>13</sup> “History of Gibraltar.” Wikipedia, Wikimedia Foundation, [en.wikipedia.org/wiki/History\\_of\\_Gibraltar](http://en.wikipedia.org/wiki/History_of_Gibraltar).

militarily by the Holy Roman Empire, the Dutch Republic, Great Britain and Prussia while Bourbon Spain was supported by France and Bavaria.

After three years of brutal conflict between the two sides, an Anglo-Dutch attack was launched on Gibraltar in August, which was successful in capturing the strategic point of “the Rock”. Nevertheless, the British during the first years of the occupation of Gibraltar had to face enormous difficulties in controlling its 4,000 residents. On 13 July 1713 the Treaty of Utrecht was signed, which legally passed and recognized the sovereignty the British sovereignty on the Gibraltarian peninsula. The Spanish felt humiliated with the foreign annexation of Gibraltar and other assets they previously possessed throughout the Mediterranean (e.g. Minorca Island).

### **Rule under the British Empire**

After the Treaty of Utrecht, tensions between Great Britain and Spain escalated quickly and on 24 June 1779, Spanish and French attacked Gibraltar. This is known as the Great Siege of Gibraltar, which lasted for approximately 5 years. It is considered to this day one of the longest sieges ever recorded in history. The strategic position, as well as the bravery and patience of the British defenders, saved “the Rock” from the Hispano – French Siege.

The British Empire had one of the biggest naval fleets in history and Gibraltar became crucial for the development of this fleet. Ships coming from the British assets in West Africa, South Atlantic and the Caribbean often used it as a refueling point. Later on, Gibraltar became the base of the Atlantic Fleet, the naval fleet of the Royal Navy, and it was thus regarded as a symbol of the British naval power.

In the course of the 20<sup>th</sup> century, Gibraltar served well Great Britain in both World Wars and later on during the Falkland War. During the First World War, there were not many significant or big naval battles and therefore Gibraltar’s position did not benefit as much the British. However, during the Second World War, it really helped the Allies confront the Axis forces in North Africa during the first years of the war and later on in Italy. The Axis powers often tried to capture “the Rock” but they failed to antagonize the British resistance. Even after the collapse of the British Empire during the Falkland War (1982) against the Argentinian forces that occupied the Falkland Islands, Gibraltar was used as a refueling point for battleships departing from the British Isles to the South Atlantic.

### **Brexit**

On June 2016 a referendum was held in which the UK citizens would choose whether they want to remain or leave the European Union. 52% voted to leave and

48% voted to remain<sup>14</sup>. On March 2017, the Brexit process began but due to various reasons was delayed. The official departure of the UK from the European Union was on January 31<sup>st</sup> 2020, while the period until 31<sup>st</sup> December 2020 is a transitional one in which frequent negotiations between the UK and EU member states will take place. Until now it seems that the UK wants to follow the approach of a Hard Brexit, which as mentioned previously will affect the movement of people and goods.

A Hard Brexit aims to completely take the UK out of the EU's single market and customs union, included, that the UK will impose more control on borders. A Soft Brexit, on the other hand, supports the continuation of the close relationship with the EU and the minimization of the trade impact by remaining in the EU customs union. This means that the UK will still follow and adhere to some, if not all, of the rules of the EU, which will make new trade deals between the UK and the other partners outside the EU harder.

Gibraltar was one of the parts of the UK that was eligible to decide on whether they want to remain or leave the EU. The Gibraltarians chose by an overwhelming majority of 95.91% to remain a member of the EU<sup>15</sup>. Because of its status as a BOT, Gibraltar was not directly represented in the negotiations between the UK and the EU. Additionally, most of the negotiations on the question of Gibraltar occurred separately between the UK and Spain instead of the UK and the rest of the EU, as it was the case with the question of Northern Ireland.

### The economy of Modern Gibraltar

The Gibraltarian economy is a service-based economy with a GDP of \$2.044 billion. Its whole economy is based on finance, marine trade, tourism and online gambling. Gibraltar is also considered a tax haven in comparison to Spain as it has a 10% corporate tax rate in comparison to the 25% of Spain. In essence, companies are benefited by operating in Gibraltar as less net income is absorbed by the government. This is partially one of the reasons for Gibraltar's success in the service sector.

However, the 34,000 citizens of the peninsula were not enough to cover its economic needs and thus "the Rock" depends on Spain for workers from the nearby cities of the province of Andalucía and most notably the town of La Linea del Concepcion. Therefore, the Gibraltarian economy depends on the EU to have access to the customs union and the single market. Notably, the EU itself has assisted in the development of its vibrant economy. However, Gibraltar was never a member of the European Union on its own but benefited from the membership of the UK as a whole.

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<sup>14</sup> "EU Referendum Results." BBC News, BBC, [www.bbc.com/news/politics/eu\\_referendum/results](http://www.bbc.com/news/politics/eu_referendum/results).

<sup>15</sup> Groome, Imogen. "How Did Gibraltar Vote in the EU Referendum?" Metro, Metro.co.uk, 12 Dec. 2019, [metro.co.uk/2017/04/03/how-did-gibraltar-vote-in-the-eu-referendum-6550844/](http://metro.co.uk/2017/04/03/how-did-gibraltar-vote-in-the-eu-referendum-6550844/).

With the departure of the UK from the EU, Gibraltar will lose all these benefits and especially if a hard Brexit is followed. This would be detrimental for the Gibraltarian economy, as it would impact both tourism and its imports on perishable goods<sup>16</sup>.

## MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

### Spain

Spain is one of the two most important countries that are directly involved in the issue. Spain still resents the British occupation of the peninsula. Increasing their sovereignty over “the Rock” was always one of the concerns of every Spanish government. Nationalist movements around Spain still consider Gibraltar as a part of Spain that has been illegally stolen by the UK. Recently, during the talks between the UK and EU for Brexit, the Spanish Government referred to the territory as a “British colony” and it also insisted that the European Council (EC) should also include this on a footnote and the EC accepted to do so.

Spain desires to acquire all these strategic benefits that Gibraltar can offer. Gibraltar really stands out as an economic and trade hub in the Southern Iberian Peninsula. Spaniards want a mutual benefit agreement with the UK. The nearby province of Cadiz benefits from the economic activity of Gibraltar, while it also relies on Spain for the provision of workers, goods, money, and services through the fluidity of its border. Spain has also proposed dual or even full sovereignty over “the Rock” to ensure the wellbeing of its people. However, it should be considered that Gibraltarians in both referendums over the sovereignty of “the Rock” wanted to remain as an overseas territory of the UK.

### United Kingdom (UK)

The UK is determined to safeguard its sovereignty as well as its economic and strategic interests over Gibraltar. It believes, that if Gibraltar loses the benefits provided by the EU, will still be able to thrive if it further develops its relationship with the UK and the Commonwealth. This will also enable Gibraltar to establish new trading partners in Africa and the Americas, which will, in the long run, enhance the Gibraltarian economy.

The UK wants to leave the EU alongside all its overseas territories. This means that the UK is not willing to make an exception on Gibraltar. However, the UK considers the economic deterioration that might occur if the border with Spain loses its fluidity. It wants to protect the economic interests of Gibraltar through further

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<sup>16</sup> Perishable goods are goods that can be consumed only within a short period of time such as food.

negotiations with the Spanish Government and/or the rest members of the European Union.

### Gibraltar

The Gibraltar government has stated: “The priority of the government of Gibraltar is to ensure that our departure from the EU does not negatively affect the lives of citizens who cross the border in either direction”<sup>17</sup>. The government of the autonomous region was unable to participate directly in the talks between EU – UK or UK – Spain, as the Gibraltar government was not invited in the negotiations. Gibraltarians are extremely concerned about the negative impacts Brexit would have on their relationship with Spain. To economically survive, they rely on the Spanish workforce and products and that’s why the maintenance of the fluidity of their border is crucial. Most international tourists arrive from European states and its status as an “easy to travel destination” is important for the tourism industry of the country. Therefore, visa-free access to the country for EU citizens is of great importance for Gibraltar.

In terms of sovereignty, the Gibraltarians have expressed twice their desire to remain part of the UK. In both referenda of 1967 and 2002, the vast majority voted against full or co – sovereignty with Spain. However, they still want to maintain their close economic ties with the country because of the mutual benefits. That’s the reason why they voted overwhelmingly against leaving the EU in 2016.

### European Union (EU)

The European Union in terms of the dispute between UK – Spain has been neutral as until Brexit was in effect. During disputes between member states, the EU has to take no stance and support none of the two, except if tensions escalate and the two countries engage each other militarily. With the UK’s exit since the end of January 2020, the EU is now obliged to support any Spanish claims over the Rock of Gibraltar.

On an economic level, the EU has helped significantly Gibraltar by giving it access to all the benefits an EU membership arrives with. The EU now wants to secure the Spanish benefits over “the Rock”. Nonetheless, this does not mean that the EU does not seek a mutual benefit agreement that would facilitate trade and any other economic relations and activities between Gibraltar and Spain as well as all the other member-states of the Union.

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<sup>17</sup> “Gibraltar and UK Negotiations Continue Amidst Brexit.” *South EU Summit*, 29 Jan. 2020, [southeusummit.com/europe/spain/gibraltar-faces-uncertain-future-as-clock-ticks-down-on-brexit/](http://southeusummit.com/europe/spain/gibraltar-faces-uncertain-future-as-clock-ticks-down-on-brexit/).

## TIMELINE OF EVENTS

<b>Date</b>	<b>Description of event</b>
1701 – 1714	War of the Spanish Succession.
August 1704	Anglo-Dutch force capture Gibraltar.
April 11 <sup>th</sup> , 1713	Treaty of Utrecht – official recognition of British sovereignty on Gibraltar.
1727 – 1729	Anglo – Spanish War.
November 9 <sup>th</sup> , 1729	Treaty of Seville – ended the war between Spain and Great Britain & strengthened British sovereignty over Gibraltar.
June 24 <sup>th</sup> , 1779 – February 7 <sup>th</sup> , 1783	The Great Siege of Gibraltar by Spanish and French forces.
September 10 <sup>th</sup> , 1967	1 <sup>st</sup> Gibraltarian sovereignty referendum. 99.64% voted to remain under British rule. <sup>18</sup>
June 8 <sup>th</sup> , 1969	Spanish dictator Francisco Franco closed the land border with Gibraltar.
1980	Lisbon Agreement.
December 15 <sup>th</sup> , 1982	Border with Spain reopens for pedestrians.
1984	Brussels Agreement.
February 4 <sup>th</sup> - 5 <sup>th</sup> , 1985	Border with Spain reopens for cars.
November 7 <sup>th</sup> , 2002	2 <sup>nd</sup> Gibraltarian sovereignty referendum. The UK proposed to share sovereignty

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<sup>18</sup> Terence Prittie, our diplomatic correspondent. "Gibraltar Votes to Remain with Britain – Archive, 11 September 1967." *The Guardian*, Guardian News and Media, 11 Sept. 2018, [www.theguardian.com/world/2018/sep/11/gibraltar-votes-to-remain-with-britain-archive-1967](http://www.theguardian.com/world/2018/sep/11/gibraltar-votes-to-remain-with-britain-archive-1967).

	with Spain and 98.97% of the voters rejected the proposal (17,900 people). <sup>19</sup>
2006	Cordoba Agreement – Establishment of a tripartite forum for co-operation on Gibraltar.
June 23 <sup>th</sup> , 2016	Brexit referendum – 95.91% of Gibraltarians voted to remain as a member of the EU.
2016 – 2019	Negotiations between the UK and the EU over its departure from the Union.
January 31 <sup>st</sup> , 2020	The official exit of the UK from the EU.

### RELEVANT RESOLUTIONS, TREATIES AND EVENTS

The United Nations (UN) has not passed any resolutions on the sovereignty or economic impacts of Brexit on Gibraltar. However, throughout history, there have been signed several treaties and agreements regarding the question of Gibraltar.

#### Treaty of Utrecht of 1713

The Treaty of Utrecht was signed between the opposing sides of the War of the Spanish Succession with its main aim being the official end of the conflict between the Habsburgs and Bourbons of Spain. Britain was one of the winning powers that benefited the most out of the Treaty as it annexed both Gibraltar and the island of Menorca (Article X). This was the first treaty that recognized British sovereignty over “the Rock”.

#### Treaty of Seville of 1729

The Treaty of Seville was signed between Great Britain, France and Spain and formally ending the Anglo – Spanish War of 1727 – 1729. The Dutch Republic joined the peace talks 20 days later. This treaty restored the trade privileges of both British and French traders in the region of Cadiz, where Gibraltar is located. This enforced British sovereignty over Gibraltar and secured its economic, military and trading interests in the area.

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<sup>19</sup> Wintour, Patrick, and Giles Tremlett. “Gibraltar Votes out Joint Rule with Spain.” *The Guardian*, Guardian News and Media, 8 Nov. 2002, [www.theguardian.com/politics/2002/nov/08/uk.gibraltar](http://www.theguardian.com/politics/2002/nov/08/uk.gibraltar).

### **Lisbon Agreement of 1980**

The Lisbon Agreement was one of the first agreements between Spain and the United Kingdom concerning the question of Gibraltar. The British, through this agreement, wanted to strengthen their sovereignty over “the Rock” and enhance their bilateral relations with Spain, following the end of the authoritarian regime of Francisco Franco.

### **Brussels Agreement of 1984**

The Brussels Agreement between Spain and the United Kingdom was meant to solve the dispute over the sovereignty of Gibraltar. Spain and Britain managed to agree upon the free movement of goods, people and vehicles across the border and the guarantee of equality and reciprocity of Spaniards in Gibraltar and Gibraltarians in Spain. This treaty was heavily criticized by Gibraltarians, as they were not allowed to directly discuss their differences with Spain and felt that their right for self – determination was denied. For instance, the Gibraltar Socialist Labour Party (GSLP) during their electoral campaign for the 1988 elections called for self – determination and expressed their demands for the abandonment of any negotiations between the two powers.

### **Cordoba Agreement of 2006**

The quiet recent Cordoba Agreement was signed between the governments of the United Kingdom, Spain and Gibraltar for the establishment of a tripartite forum that through cooperation would solve the problems Gibraltar has to face. Some of the agreements between the three are the access to Gibraltar from Spain by plane, the recognition of Gibraltar’s International Direct Dialing (IDD) telephone code, the resolve of the disagreement over pension payments to Spaniards working in Gibraltar and the reduction of border controls by Spain that would facilitate the movement of people and goods between the two countries.

## **PREVIOUS ATTEMPTS TO SOLVE THE ISSUE**

### **Joint Ministerial Council (JMC)**

Recently, with the establishment of the JMC Gibraltar’s exit from the European Union has significantly been facilitated. The efforts of the JMC have received a lot of positive criticism from the government of Gibraltar itself, as well as from its citizens. In addition to that, a joint UK – Spanish Committee has been created to coordinate some of the main key issues Gibraltar has to face like employment and working conditions, aviation, smuggling, policing and security, etc.

All of these methods have helped to increase negotiations between Spain and the United Kingdom and encourage peaceful cooperation for the benefit of all parties involved.

## **POSSIBLE SOLUTIONS**

The question of Gibraltar is a complex one, as mentioned previously. There are many different ways to attempt to solve the issue. The best outcome would be for delegates to find a way for Spain to gain some of the strategic benefits it desires while Gibraltar not having Spanish co – sovereignty and be connected to both EU and UK markets.

### **Membership to Schengen Area**

To solve the issue of Gibraltar's access to the EU single market and customs union would be its membership to the Schengen Area. This would grant Gibraltar similar travel, transport and economic benefits of the other European microstates that are part of it while not being members of the EU. The government of Gibraltar has considered multiple times, even before Brexit, to join Schengen. Examining passports is often a long and frustrating process and it will be difficult to manage all these people coming in when taking into consideration that the border is only 1.8 km long. This problem will be solved if Gibraltar joins Schengen. Other European microstates have benefited enormously from the common travel areas with Schengen (eg. Liechtenstein) and the same strategy could potentially be applied to Gibraltar. To join Schengen, Gibraltar has to gain a microstate status. A new agreement between the EU, UK and Gibraltar will have to take place. It has to be considered that the UK might refuse to ratify such an agreement because it would prefer if Gibraltar establishes new trade partners and enhancing its relations with the Commonwealth of Nations.

### **Change in Sovereignty**

Another possibility is to change the sovereignty of "the Rock". Co – sovereignty of the Rock between Spain and UK would allow Gibraltar to enjoy both the benefits of the EU through Spain and of the Commonwealth through the UK. However, it has to be considered that in this case, Gibraltar might not enjoy all benefits of the EU, as it is still part of the UK. So, full Spanish sovereignty could be argued, which would give full access to the European Union markets. Nevertheless, any change in sovereignty would be a denial of the right of self – determination of the 34,000 citizens of Gibraltar who wish to remain in the UK. If Spain chooses to argue for sovereignty over Gibraltar the EU countries will have to back up Spanish claims, as the UK is not in the European Union and thus it is required to support Spain.

## **Participation of Gibraltar in the negotiations**

From the start of the UK – EU negotiations, the question of Gibraltar was discussed separately between the UK and Spain. Gibraltar was not represented directly in any of these series of negotiations. Perhaps, the direct representation of the Gibraltarian people will facilitate the process of solving once and for all the Gibraltar question, as it will enable Gibraltar to directly discuss its differences with Spain. However, the status of Gibraltar as a BOT means that the UK is the one that represents Gibraltar in matters of foreign policy.

## **Cooperation for the eradication of crime**

Crime is an issue in the area of Cadiz in Spain. With the UK's exit from the EU, criminals are now interested in crossing the border of Gibraltar to escape punishment. Cooperation between authorities in Spain, Gibraltar and the European Arrest Warrant to prevent criminals from evading justice by crossing the EU's external borders and vice versa is necessary. With the crime rate on a moderate increase the past three years, the peninsula will need help from Spain to address this issue.<sup>20</sup> Cities like La Linea de la Concepcion near Gibraltar have got a moderate level of crime and a high increasing rate the past years<sup>21</sup> which means that Spain will also need Gibraltar's help to address this issue.

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<sup>21</sup> "Crime in La Linea De La Concepcion." *Crime in La Linea De La Concepcion. Safety in La Linea De La Concepcion*, [www.numbeo.com/crime/in/La-Linea-de-la-Concepcion-Spain](http://www.numbeo.com/crime/in/La-Linea-de-la-Concepcion-Spain).

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